

## REMARKS

Claims 38-41 are pending in the present application.

### Amendments to the Specification

The Specification has been amended herein to correct inadvertent typographical errors present in the parent application, U.S. Patent Application No. 09/831,630. These typographical errors were objected to by the Examiner during prosecution of the parent application for the use of extended hyphenated lines, because, in the Examiner's view, such use of hyphenated lines "gives the impression that there is a discontinuity in the text."

While not necessarily agreeing with the Examiner's interpretation of Applicants' use of hyphenated lines, but in an attempt to expedite prosecution of the instant application, Applicants have amended the specification to limit the number of hyphenated lines used in a single instance. For example, the recitation of the acetylgalactosaminyltransferase in line 11 on page 20 of the specification has been amended from "Fuc alpha 1----2Gal alpha 1----3-N-acetylgalactosaminyltransferase" to now read as "Fuc alpha 1-2Gal alpha 1-3-N-acetylgalactosaminyltransferase." Applicants have made similar amendments at lines 11-12 of page 3, lines 11, 14 and 23 on page 20, lines 18-19 on page 28, and line 30 on page 37, to limit the number of hyphenated lines used to no more than one consecutive hyphenated line. Applicants respectfully submit that the apparent informalities in the specification, to which the Examiner objected in the parent application, have been eliminated.

No new matter has been added by way of these amendments, because the amendments to the specification to correct the extended use of hyphenated lines is not substantive, but merely clerical in nature.

Applicants have also amended the specification herein to update the priority information by inserting the proper cross-reference to related applications. This amendment is also clerical in nature, and therefore, no new matter has been added by way of this amendment.

#### Addition of New Claims 38-41

Claims 38-41 were added by way of the present preliminary amendment and are drawn to subject matter not pursued in the parent application. Applicants respectfully submit that the new claims are fully supported in the specification as originally filed and, therefore, do not constitute new matter.

Applicants respectfully point out that claims 38-41 are directed to a nucleic acid probe that hybridizes to a second nucleic acid under preferred hybridization conditions that have been described in the instant specification from line 12 through line 26 on page 9. In particular, preferred hybridization conditions in claims 38-41 include overnight incubation of a nucleic acid blot with a probe at 42°C, washing of the blot at room temperature with 2x SSC and 1% Na<sub>4</sub>P<sub>2</sub>O<sub>7</sub>, washing of the blot at 65°C with 0.2 x SSC, 1% SDS, and 1% Na<sub>4</sub>P<sub>2</sub>O<sub>7</sub>, and washing of the blot with 0.2x SSC at room temperature.

Applicants have set forth conditions for stringency of hybridization from line 29 on page 8 through line 11 on page 9 of the specification. Further, Applicants respectfully submit that preferred hybridization conditions of the present invention are clearly set forth in the instant specification from line 12 through line 26 on page 9. Therefore, newly added claims 38-41 do not constitute new matter.

#### Correction of clerical errors in Figure 1

As described in detail from line 13 to line 24 on page 6 of the instant specification, Figure 1 depicts the DNA sequence of β3Gal-T5 of the invention, as set forth in SEQ ID NO:8, and Figure 1 also depicts the amino acid sequence of β3Gal-T5 of the invention, as set forth in SEQ ID NO:9. However, Applicants have noted that the depiction of SEQ ID NOS:8 and 9 in Figure 1 as originally filed in the parent application, U.S. Patent Application No. 09/831,630, contains several typographical errors.

Specifically, Applicants note that the nucleotide residues at positions 68 and 76 in Figure 1 are incorrectly depicted as adenine residues, or “A.” The corresponding nucleotide residues in SEQ ID NO:8 in the as-filed sequence listing, nucleotides 146 and 154, are correctly listed as thymine residues, or “T.” Applicants

have also noted corresponding typographical errors in the amino acid translation of the nucleotide sequence of  $\beta$ 3Gal-T5 listed in Figure 1. The amino acid residues at positions 23 and 26 of Figure 1, which amino acid residues are encoded by the codons containing the nucleotide residues at positions 146 and 154 in Figure 1, are incorrectly depicted as a tyrosine (Tyr) and an asparagine (Asn), respectively. The corresponding amino acid residues in SEQ ID NO:9 in the as-filed sequence listing, residues 23 and 26, are correctly listed as phenylalanine (Phe) and tyrosine (Tyr), respectively.

Accordingly, in an attempt to expedite prosecution of the instant application, Applicants have amended Figure 1 to correct the above-described errors so that SEQ ID NOS:8 and 9 are properly depicted in Figure 1. Specifically, nucleotide residues 68 and 76 have each been changed to "A" and amino acid residues 23 and 26 have been changed to Phe and Tyr, respectively.

The amended version of Figure 1 submitted herewith comprises an amendment to Figure 1 so that the nucleotide sequence in the figure is identical to the nucleotide sequence for  $\beta$ 3Gal-T5 as set forth in SEQ ID NO:8 of the sequence listing, and so that the amino acid sequence in the figure is identical to the amino acid sequence for  $\beta$ 3Gal-T5 as set forth in SEQ ID NO:9 of the sequence listing, which sequence listing was filed with the application on November 11, 1999. Due only to a clerical error, SEQ ID NOS:8 and 9 as depicted in Figure 1 that was submitted with the present application were not identical to the nucleotide and amino acid sequences as set forth in SEQ ID NOS:8 and 9, respectively, in the sequence listing as filed.

The present amendment to Figure 1 adds no new matter. This is because SEQ ID NOS:8 and 9 as depicted in amended Figure 1 are identical to SEQ ID NOS:8 and 9 as set forth in the sequence listing filed with the instant application on November 11, 1999, which are in turn identical to SEQ ID NOS:8 and 9 as set forth in the sequence listing submitted Denmark Patent Application No. 1998 01483, filed on November 13, 1998, to which the present application claims priority. Therefore, amended Figure 1 does not add new matter, but merely corrects a clerical error in the originally filed Figure 1 such that SEQ ID NOS:8 and 9 as depicted in Figure 1 now correspond exactly to SEQ ID NOS:8 and 9 as filed in both the priority application and in the present application.

Summary

Applicants respectfully submit that the new claims 38-41 are fully supported in the specification as filed, that the specification has been amended herein to update the priority information in the application, and that the specification and Figure 1 have been amended to correct typographical and editing errors. No new matter has been added.

Favorable examination of the claims is hereby requested.

Respectfully submitted,

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